

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting Minutes
October 3, 2012**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Suellen Soucek, Larry Whalen, Joan Martin, Carey Baxter, Greg Thury (7).

Public Present: none.

Town Staff Members Present: Margaretta Kusch, ZCA (1).

I. Call to Order/Roll Call

Chair Pallas called the Meeting to order at 4:30 PM at the La Pointe Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Special Monthly Meeting, September 20, 2012.

- On page 5, sixth paragraph (C. Baxter comments), first sentence, insert "*there*" after "*Conditional Use Permit was put.*"
- On page 5, sixth paragraph (C. Baxter comments), second sentence, insert "*the*" before "*gist.*"
- On page 5, eighth paragraph (C. Baxter comments), first sentence, delete "*is.*"
- On page 7, fourth bullet point, add "*in that Zoning District*" to the end of the sentence.

C. Brummer moves to approve the Town Plan Commission Special Monthly Meeting minutes of September 20, 2012, as amended. S. Soucek seconds. All in favor, 6 aye, 1 abstain (G. Thury). Motion carries.

IV. Zoning Administrator's Report

V. Consideration and/or Action of Permit Applications

a. Dillon, Ann/Lohman, Bill re: accessory structure at 1323 Middle Rd.

C. Brummer says that when he spoke to the Zoning Administrator, her concern was that the structure could turn into an accessory dwelling, with sleeping quarters and/or bathrooms. It does meet setbacks. Are there any deed restrictions?

C. Baxter points out that the application lists the type of construction as an accessory structure—if the owners wanted to use it as an accessory dwelling, they'd have to get a Change of Use permit.

C. Brummer moves to approve the Dillon/Lohman Land Use Permit on the condition that the structure is never used for habitation unless all sanitation and UDC requirements are complied with. G. Thury seconds. All in favor, 7 aye. Motion carries.

b. Woods, Thomas and Marcy re: addition/alteration at 908 Nebraska Row.

C. Brummer notes that the "Within 1,000 feet from of the Lakeshore" box on the application wasn't marked and it should be.

C. Brummer spoke with the Zoning Administrator, who wanted to make sure it meets the Board of Appeals relaxation of sideyards, which is 25%, or 2.5 feet (the sideyard setback in the R-2 District is 10 feet). They do show 7.5 feet to where they're going to remove the existing decks, and on the side of the house facing Nebraska Row they're expanding the deck, but that's 11 feet. She wanted to make sure that whatever the Town Plan Commission decides is in line with the Board of Appeals decision of October 13, 2011.

There is consensus that the application is in order (once the box indicating within 1,000 of the lakeshore is checked).

C. Brummer moves to approve the Land Use Application for Thomas and Marcy Woods with the insertion of yes it's within 1,000 feet of the lakeshore, as submitted. G. Thury seconds. All in favor, 7 aye. Motion carries.

VI. New Business

a. Zoning Administrator request for Town Plan Commission interpretation re: Conditional Use Permit and any permits required for installation of 30,000 gallon bulk LP tank at LP #014-00299-0100, South Shore Road, owner Gene Nelson.

C. Brummer states that he will be abstaining from this item.

Chair Pallas states that the Zoning Administrator asked to have this item be postponed. He notes that Mr. Nelson is going to have to go by the State regulations for LP tanks regardless.

G. Thury moves to postpone item 6.a, Zoning Administrator request for Town Plan Commission interpretation re: Conditional Use Permit and any permits required for installation of 30,000 gallon bulk LP tank at LP #014-00299-0100, South Shore Road, until the next meeting. S. Soucek seconds. All in favor, 6 aye, 1 abstain (C. Brummer). Motion carries.

VII. Old Business

VIII. Future Agenda Items

- Zoning Administrator request for Town Plan Commission interpretation re: Conditional Use Permit and any permits required for installation of 30,000 gallon bulk LP tank at LP #014-00299-0100, South Shore Road, owner Gene Nelson.

IX. Schedule Future Meetings

- Next Regular Monthly Meeting to be held Wednesday, Oct. 17, 2012, at 4:30 pm.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 4:45 pm.

Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Thursday, October 04, 2012.

Town Plan Commission minutes approved as amended on Wednesday, October 17, 2012.